SINGLE BENCH

(2) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH
WRIT PETITION No. 3807/2006

PETITIONER : Anil Kumar Manekar,
S/O Shri Hansraj Manekar,
aged about 37 years,
R/O. Rajiv Nagar, Dongargaon,
Distt. Rajnandgaon (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through : Secretary,
Panchayat Department,
D.K.S. Bhawan, Raipur
Distt. Raipur (C.G.)

P.R. No. 3863/06
Presented by Shri Kamal Dhakad
dated 24/7/06

2. Director,
Panchayat & Social Welfare Directorate,
Public Works Department,
Raipur (C.G.)

3. Collector, Rajnandgaon,
Collectorate,
Distt. Rajnandgaon (C.G.)

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4. Chief Executive Officer,
Janpad Panchayat Churiya,
Churiya,
Distt. Rajnandgaon (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-20/13/36
23/07/06
Bilaspur Chhattisgarh

5. Janpad Panchayat, Churiya,
Through : President,
Janpad Panchayat, Churiya,
Distt. : Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3807 of 2006

Petitioner : Anil Kumar Manekar

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Anup Majumdar, counsel for the petitioner.

Shri G.K. Beriwal, Deputy Advocate General with Shri Arvind Dubey, Panel lawyer for the State/respondents No.1, 2 and 3.

ORAL ORDER

(28th July, 2006)

1. Learned counsel appearing for the petitioner, submits that the petitioner was appointed on 17.9.1998 (Annexure P-2) as Daily Wager, at the rate fixed by the Collector. Thereafter, the petitioner was regularized by order dated 1.10.2004 (Annexure P-6) and was granted pay scale of Rs. 3050-75-3950-80-4590.

2. The petitioner has referred to a letter dated 10.7.2006 (Annexure P-7) issued by the Collector, to Chief Executive Officer, Janpad Panchayat, Churiya, stating that the appointment of the petitioner was not in accordance with law and as such, his services be terminated with immediate effect and the amount paid to him should be recovered.

3. Shri G.K. Beriwal, learned counsel appearing for the respondents No.1, 2 and 3, submits that the petitioner is still

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continuing on the post on the strength of resolution of order passed by the Janpad Panchayat. It is admitted case of both the parties that the services of the petitioner cannot be terminated and recovery of amount cannot be made, without following proper procedure of law.

4. It is accordingly directed that the order dated 10.7.2006 (Annexure P-7) shall not be given effect to, unless and until the provisions of law following principles of natural justice and fair play in action, are complied with.

5. For the reasons stated above, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gupta